

### REMARKS

These Remarks are in reply to the Office Action mailed November 30, 2005. Claims 1, 11 and 19 have been amended, and no claims have been deleted or newly added, such that claims 1-19 remain pending. All claims are provided above for the Examiner's convenience.

### Claim Objections

Claims 1-19 were objected to because claims 1, 11 and 19 did not begin with "An". These claims have been amended to overcome this objection; withdrawal of the objection is respectfully requested.

### Rejection under 35 U.S.C. § 102

Claim 19 was rejected under 35 U.S.C. § 102(b) as being anticipated by Oveyssi et al. (hereinafter "Oveyssi").

Claim 19 recites "magnetically permeable structure" as well as "means for latching the coil with respect to the structure with a variable retention force." Oveyssi does not disclose latching a coil with respect to magnetically permeable structure. Oveyssi describes only utilizing current to move an actuator. As such, Oveyssi cannot reasonably be construed as anticipating claim 19. For at least these reasons, withdrawal of the rejection of claim 19 and allowance thereof are respectfully requested.

### Rejection under 35 U.S.C. § 103

Claims 1-3, 5, 6, 9-13, 17 and 18 were rejected under 35 U.S.C. § 103(a) as being obvious over Oveyssi in view of U.S. Patent 6,462,914 to U.S. Patent Application Publication 2004/0012890 to Kim et al. (hereinafter "Kim").

Claim 1 recites "magnetically permeable structure, wherein the coil is latched by magnetic flux passing across a gap extending into the structure, and wherein the coil is subsequently unlatched by application of current to the coil, said current substantially reducing the magnetic flux across the gap and inducing movement of the coil away

from the gap." Oveyssi does not even disclose latching and unlatching an actuator, much less doing so by providing a gap in magnetically permeable structure. The Office attempts to remedy this glaring deficiency by suggesting that because Kim discloses a gap 167 in magnetically permeable structure 151,152,164,166 that it would have been obvious to provide Oveyssi's structure with a gap. However, Kim does not suggest an arrangement by which application of current to a coil reduces the magnetic flux across the gap as required by claim 1. As such, even if one were so inclined to follow the dubious suggestion by the Office to combine these references, the resulting device would still not meet each and every limitation of claim 1. For at least these reasons, withdrawal of the rejection of claim 1 and allowance thereof are respectfully requested.

Claims 2, 3, 5, 6, 9 and 10 depend from allowable claim 1 and are themselves allowable for at least this reason.

Similarly, claim 11 recites a "shunt member having a gap extending therein, wherein magnetic flux is directed across the gap" and that an "actuator is subsequently unlatched by applying a current to the coil, said current substantially reducing a magnitude of the retention force" exerted by the flux across the gap. For reasons set forth above with respect to the rejection of claim 1, neither Oveyssi nor Kim, alone or in combination, disclose these limitations. Withdrawal of the rejection of claim 11 and allowance thereof are respectfully requested.

Claims 12, 13, 17 and 18 depend from allowable claim 11 and are themselves allowable for at least this reason.

Claim 16 recites "means for reducing thermal stress that is configured to engage an over-mold." While the Office has construed first and second fillers disclosed by Macpherson to be means for reducing thermal stress, these fillers themselves form part of the overmold and cannot reasonably be said to "engage an overmold" as required by claim 16. Withdrawal of the rejection of claim 16 and allowance thereof are respectfully requested.

**Allowable Subject Matter**

The Examiner is thanked for the indication that claims 4, 7, 8 and 14-16 include allowable subject matter. Because it is believed that claims 1 and 11 are allowable, however, the claims have not been rewritten as proposed by the Examiner.

**Conclusion**

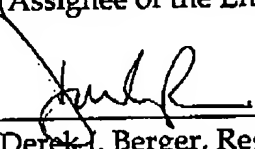
For these reasons, Applicant respectfully asserts that present claims particularly point out and distinctly claim the subject matter which is regarded as the invention. In addition, the present invention as claimed is not taught by the prior art of record or any combination thereof. Therefore, it is respectfully submitted that the pending claims are in condition for allowance, and favorable action with respect to the present application is respectfully requested.

If the Examiner is not satisfied, but minor changes would apparently put the present case in condition for allowance, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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(Assignee of the Entire Interest)

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Date

  
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